

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FELTNER DEAN HUNT,
TDCJ No. 2270849,

§
§
§
§
§
§
§
§
§

Petitioner,

Civil Action No. 3:24-cv-2157-X-BN

v.

DIRECTOR, TDCJ-CID,

§
§
§
§

Respondent.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE AND DENYING A CERTIFICATE OF APPEALABILITY**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. (Doc. 4). Petitioner Feltner Dean Hunt filed an Objection. (Doc. 10). The objections concerned the timeliness of petitioner's petition and his actual innocence. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

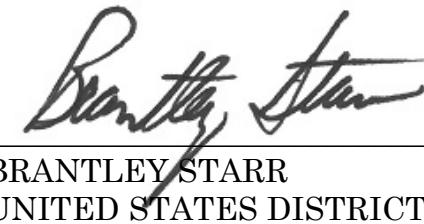
Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts,¹ and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of

¹ See Pub. L. No. 94-426, 90 Stat. 1334 (1976) (approving the Supreme Court's proposed rules

appealability. The Court adopts and incorporates by reference the Magistrate Judge's findings, conclusions, and recommendation filed in this case in support of its finding that the Petitioner has failed to show (1) "that reasonable jurists would find [the Court's] assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists "would find it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [the Court] was correct in its procedural ruling."²

But, if Petitioner elects to file a notice of appeal, Petitioner must either pay the appellate filing fee or move for leave to appeal *in forma pauperis*.

IT IS SO ORDERED this 21st day of October 2024.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

related to 28 U.S.C. §§ 2254 and 2255). Rule 11, as amended effective on December 1, 2009, reads as follows:

(a) Certificate of Appealability. The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

(b) Time to Appeal. Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order entered under these rules. A timely notice of appeal must be filed even if the district court issues a certificate of appealability.

² *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).